

**PROFESSIONAL LICENSURE DIVISION[645]**

**Adopted and Filed**

Pursuant to the authority of Iowa Code section 147.76, the Board of Hearing Aid Dispensers hereby amends Chapter 124, "Discipline for Hearing Aid Dispensers," Iowa Administrative Code.

Because 2011 Iowa Acts, House File 649, section 87, repealed Iowa Code section 154A.24(3)(s), the amendment in Item 1 rescinds the same language in paragraph 124.2(6)"d," which requires advertisements related to hearing aids to include qualifying words in the same size type as the title of the business if the title of the business does not include the words "hearing aid." The amendment in Item 2 clarifies that conviction of a crime includes when the judgment of conviction or sentence was deferred.

Notice of Intended Action was published in the Iowa Administrative Bulletin on October 5, 2011, as **ARC 9800B**. A public hearing was held on November 1, 2011, from 10:30 to 11 a.m. in the Fifth Floor Board Conference Room, Lucas State Office Building, Des Moines, Iowa. One comment was received at the public hearing. Mr. Joe Kelly, representing the Iowa Hearing Association, thanked the Board for rescinding the requirement that the qualifying words be added to advertisements if the title of the business does not include the words "hearing aid." These amendments are identical to those published under Notice.

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code chapters 21, 147, 154A and 272C.

These amendments will become effective April 11, 2012.

The following amendments are adopted.

ITEM 1. Amend subrule 124.2(6) as follows:

**124.2(6)** Failure to place all of the following in an advertisement relating to hearing aids:

- a. Hearing aid dispenser's name.
- b. Hearing aid dispenser's office address.
- c. Hearing aid dispenser's telephone number.

~~d. The qualifying words in the same size type as the title of the business: "for the purpose of fitting, selection, adaption, and sale of hearing aids." However, the qualifying words are not required if the advertisement includes the words "hearing test," "hearing evaluation," "free hearing test," "free hearing evaluation," "hearing measurement," or "free hearing measurement," and the title of the business which is advertising appears in the advertisement and includes the words "hearing aid."~~

ITEM 2. Amend subrule 124.2(16) as follows:

**124.2(16)** Conviction of a crime related to the profession or occupation of the licensee or the conviction of any crime that would affect the licensee's ability to practice as a hearing aid dispenser within the profession, regardless of whether the judgment of conviction or sentence was deferred. A copy of the record of conviction or plea of guilty shall be conclusive evidence.

[Filed 2/16/12, effective 4/11/12]

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 3/7/12.